

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

F.R. DRAKE COMPANY,)	
)	
Plaintiff,)	
)	Civil Action No. 1:09-cv-00791-AJT-TCB
v.)	
)	
STORK TOWNSEND INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	
)	

**JOINT NON-CONFIDENTIAL MEMORANDUM IN SUPPORT OF PARTIES'
MOTION FOR ENTRY OF A PROTECTIVE ORDER**

Pursuant to Local Rule 5 of the Eastern District of Virginia, the Parties file this joint non-confidential memorandum in support of their motion for entry of a Protective Order.

The parties plan to file confidential financial documents, business plans, technical documents, forecasts, competitive intelligence, and proprietary third-party information under seal. Sealing is necessary because of the highly confidential and proprietary nature of this information, much of which involves trade secrets. Further, the parties believe that any public dissemination of such confidential and proprietary information would irreparably harm their businesses, and any procedure short of sealing would not provide them with sufficient protection from such harm.

The proposed sealing is subject to the Fourth Circuit's direction in *Ashcraft, et al. v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) and *Va. Dep't of State Police v. Washington*

Post, 386 F.3d 567, 575-76 (4th Cir. 2004), the Federal Rules of Civil Procedure, the Local Rules, and the Electronic Case Filing ("ECF") Procedures Manual.

Respectfully submitted,

/s/

Robert C. Mattson
(VSB No. 43568)
Alexander B. Englehart
(VSB No. 76691)
Oblon, Spivak, McClelland,
Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
Tel: (703) 413-3000
Fax: (703) 413-2220
rmattson@oblon.com
aenglehart@oblon.com

Of Counsel:

Timothy J. Zarley (*pro hac vice*)
Iowa Bar No. 15785
ZARLEY LAW FIRM, P.L.C.
Capital Square, Suite 200
400 Locust Street
Des Moines, IA 50309-2350
Telephone: 515.558.0200
Facsimile: 515.558.7790
E-mail address:
tzarley@zarleylaw.com

**ATTORNEYS FOR
DEFENDANT
STORK TOWNSEND INC.**

/s/

Joseph W. Berenato, III
(VSB No. 22975)
Berenato, White & Stavish, LLC
Suite 240

6550 Rock Spring Drive
Bethesda, Maryland 20817
Tel: (301) 896-0600
Fax: (301) 896-0607
jberenato@bwsiplaw.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following in accordance with the Federal Rules of Civil Procedure:

Joseph W. Berenato, III, VSB No. 22975
Berenato, White & Stavish, LLC
Suite 240
6550 Rock Spring Drive
Bethesda, Maryland 20817
Tel: (301) 896-0600
Fax: (301) 896-0607
Email: jberenato@bwsiplaw.com

_____/s/_____
Alexander B. Englehart
(VSB No. 76691)
Oblon, Spivak, McClelland, Maier &
Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
Tel: (703) 413-3000
Fax: (703) 413-2220
aenglehart@oblon.com

**ATTORNEY FOR DEFENDANT
STORK TOWNSEND INC.**